REMARKS/ARGUMENTS

Claim Rejections – 35 USC § 102

The Examining Attorney has rejected claims 16 through 24 as being anticipated by Kelderman ('452). The Applicant respectfully requests the Examining Attorney reconsider the rejection based on the arguments set forth below.

The Applicant submits that Kelderman does not include the limitations of the claims of this invention, as Kelderman appears to have 3 wheelsets per side, for a total of six wheelsets, during use in the rake and in the transport position. Kelderman therefore does not disclose or include the purpose, means or mechanism that this invention discloses, nor does it disclose each and every element of this invention, as required to support a 102 rejection. It does not appear the Kelderman reference is at all suited for any reasonable rates of speed of travel when in the travel position due to the number of wheelsets. The Kelderman reference therefore does not disclose the limitation in these claims "wherein only the first wheelset and the second wheelset are required to support the rake system framework in the transport position and in the rake position".

There is no anticipation where a reference does not disclose the purpose, means and mechanism for accomplishing the instant invention but rather is restricted to a limited and different means. Sperry Products, Inc. V. Aluminum Company of America, 120 U.S.P.Q. 362.

There is no anticipation if the reference does not disclose each and every element of the claimed invention. SSIH Equipment S.A. v. United States International Trade Commission, 718 F.2d 365, 218 U.S.P.Q. 678 (1983).

Since the remaining claims are dependant on claim 16, the same argument applies.

Claim Rejections – 35 USC § 103

The Examining Attorney has rejected claim 25 as being obvious over Kelderman ('452). The Applicant respectfully requests the Examining Attorney reconsider the rejection based on the arguments set forth above with respect to anticipation, i.e. that an element is missing. Furthermore based on the argument presented above with respect to anticipation, there reference actually teaches away from this invention with the inordinate number of wheelsets – while this invention utilizes two wheelsets and is more able to travel on highways and reasonable to higher rates of speed.

Prior Art Made of Record and Not Relied Upon

The Applicant notes the prior art made of record but not relied upon and asserts that for the reasons set forth above, the claims are allowable over the art made of record.

Conclusion

Applicant therefore submits Claims 16-25 are in a position to proceed to allowance.

Respectfully submitted,

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